

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Jeffrey Henry

SUMMONS IN A CIVIL ACTION

V.

City of New York, Sean McCarthy, Jose Arenas,
Brian Taylor, Jason Rubenstein, Donna Gaudino

CASE NUMBER:

07 CV 11117

TO: (Name and address of Defendant)

Police Officer Jason Rubenstein
c/o NYPD 17th Precinct
167 East 51st Street
New York, NY

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Leventhal & Klein, LLP
45 Main Street, Suite 230
Brooklyn, NY 11201

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL FLAMMION

NEG-07 2007

CLERK

DATE

Marcelo L. L. L.

(By) DEPUTY CLERK

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	April 1, 2008 at 8:55pm
NAME OF SERVER (PRINT) Byran E. McEldeary	TITLE	Process Server
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served:		
Manhattan South Anti Crime 524 West 42nd Street New York, NY 10036		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.		
Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input checked="" type="checkbox"/> Other (specify): Served upon "John Smith", co-worker of the defendant. M, W, Br, 39, 6'0, 180		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on	April 2, 2008 <small>Date</small>	Signature of Server <u>Byran E. McEldeary - 869802</u> <u>165 East 197th St. Bronx, NY 10463</u> <small>Address of Server</small>

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.